

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

MICHAEL TOWLER,

Plaintiff,

v.

No. CV 13-0388 MCA/WPL

**EDDY COUNTY DETENTION
CENTER, EDDY COUNTY BOARD
OF COMMISSIONERS, NATIONAL
COMMISSION CORRECTIONAL
HEALTH CARE,**

Defendants.

MEMORANDUM OPINION AND ORDER

THIS MATTER comes before the Court on Petitioner, Michael Towler's *Motion for Opposition to Memorandum Opinion and Order* [Doc. 17]. Plaintiff is incarcerated, appears pro se, and is proceeding in forma pauperis. The Court entered a *Memorandum Opinion and Order* on October 15, 2013, ordering that Plaintiff's claims be dismissed, but allowing Plaintiff fourteen days to "file an amended complaint containing appropriate factual allegations and identifying any individuals who denied him necessary medical treatment." [Doc. 14, pp. 2-3]


Rather than filing an amended complaint curing the deficiencies in the original complaint, Plaintiff filed the *Motion for Opposition to Memorandum Opinion and Order* [Doc. 17] Plaintiff's Motion fails to establish that the Court incorrectly applied the law in concluding that his Complaint fails to state a claim against Eddy County Detention Center, Eddy County Board of Commissioners, and National Commission Correctional

Health Care. As against all named parties, Plaintiff has failed to state a claim under 42 U.S.C. § 1983.

Insofar as the Complaint could be construed as an attempt to allege state-law claims, the Court will not take supplemental jurisdiction over them. *See* 28 U.S.C. § 1367(c)(3); *Ball v. Renner*, 54 F.3d 664, 669 (10th Cir. 1995) (noting that, when a “federal claim has dropped out of the picture,” state law claims are “no longer supplemental to any federal question claim” and should be dismissed without prejudice).

For the above reasons and the reasons set forth in the Court’s *Memorandum Opinion and Order* dated October 15, 2013, the Court **HEREBY DISMISSES** Plaintiff’s claims against all named Defendants **WITHOUT PREJUDICE**.

IT IS SO ORDERED this 15th day of May, 2014 in Albuquerque, New Mexico.


M. CHRISTINA ARMIÑO
Chief Judge, United States District Court